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UNITED STATES  
DISTRICT COURT

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

----- X  
MARK BAILEY,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.  
----- X

**Hon. Joel A. Pisano**

**Civil Action No. 04-4172**

**CONSENT ORDER TO REMAND  
PURSUANT TO SENTENCE 4 OF  
42 U.S.C. § 405(g)**

This matter having been opened to the Court by Christopher J. Christie, United States Attorney for the District of New Jersey, and Dennis J. Canning, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 10<sup>th</sup> day of May, 2005;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further

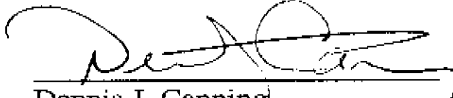
ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 111 S. Ct. 2157 (1991).



Joel A. Pisano, Judge  
United States District Court

The undersigned hereby consent to the form and entry of the within order.

CHRISTOPHER J. CHRISTIE  
United States Attorney



By:

Dennis J. Canning  
Special Assistant U.S. Attorney

LANGTON & ALTER



By:

Abraham S. Alter  
Attorney for Plaintiff